

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	July 11, 2021
Time of Incident:	7:21 pm
Location of Incident:	6399 N. Rockwell Street
Date of COPA Notification:	July 11, 2021
Time of COPA Notification:	8:30 pm

On July 11, 2021, at approximately 7:20 pm, six Chicago Police Officers¹ responded to a 911 call for service regarding [REDACTED] having a knife at the vicinity of 6399 N. Rockwell Street. Collectively, the officers surrounded [REDACTED] and pleaded with him to drop the knife, but [REDACTED] refused to cooperate. [REDACTED] continuously moved in and out of traffic lanes at the intersection of Rockwell Street and Devon Avenue, brandishing a large knife. To gain control of [REDACTED] Officer Aldo Calderon discharged OC spray at him, but the spray was ineffective. At the middle of the intersection at Rockwell Street and Devon Avenue, [REDACTED] advanced towards Officer Nichole Salas with the knife. In response, Officer Salas unholstered her firearm, held it in a low ready position, and ordered [REDACTED] to get back. [REDACTED] instead raised the knife above his head and quickly continued to advance towards Officer Salas. Officer Salas raised her firearm and discharged the weapon one time in the direction of [REDACTED] retreated backwards and continued skipping around the intersection evading the officers. Moments later, Officer Julio Campos deployed his taser at [REDACTED] causing him to fall to the ground. The officers then placed [REDACTED] into custody and recovered the knife. [REDACTED] sustained a superficial graze wound to his right thigh and a laceration to his left hand, he received medical treatment at Saint Francis Hospital.

II. INVOLVED PARTIES

Involved Officer #1:	Nichole Salas; Star #18919; Employee ID# [REDACTED] Date of Appointment: April 17, 2017; Police Officer; Unit of Assignment: 024; Female Hispanic.
Involved Officer #2:	Julio Campos; Star #12464; Employee ID # [REDACTED] DOA: April 2017; PO; Unit 024; Male Hispanic.
Involved Officer #3:	Aldo Calderon; Star #4849; Employee ID # [REDACTED] DOA: January 24, 2000; PO; Unit 024; Male Hispanic.
Involved Officer #4:	Kenvar Pujoe; Star #15042; Employee ID # [REDACTED] DOA:

¹ Officers Nichole Salas, Julio Campos, Aldo Calderon, Kenvar Pujoe, Ulises Ocana, and Austin Morgan.

Involved Officer #5: July 31, 2006; Unit 024; PO; Male Black.
 Ulises Ocana; Star #10773; Employee ID # [REDACTED] DOA:
 May 16, 2017; PO; Unit 024; Male Hispanic.

Involved Individual #1: [REDACTED] DOB: [REDACTED], 1989, Male, MENA.

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Nichole Salas	It is alleged that on or about July 11, 2021, at approximately 7:12 pm, at or near 6399 N. Rockwell Street, Officer Nichole Salas: 1. Failed to comply with S03-14 by failing to timely activate and/or improperly deactivated her body worn camera. 2. Failed to immediately notify OEMC regarding her firearm discharge, in violation of G03-06.	Sustained Sustained
Officer Julio Campos	It is alleged that on or about July 11, 2021, at approximately 7:12 pm, at or near 6399 N. Rockwell Street, Officer Julio Campos: 1. Failed to comply with S03-14 by failing to timely activate his body worn camera. 2. Referred to [REDACTED] as a “motherfucker.”	Sustained Sustained
Officer Aldo Calderon	It is alleged that on or about July 11, 2021, at approximately 7:12 pm, at or near 6399 N. Rockwell Street, Officer Aldo Calderon: 1. Failed to comply with S03-14 by failing to timely activate his body worn camera.	Sustained
Officer Kenvar Pujoe	It is alleged that on or about July 11, 2021, at approximately 7:12 pm, at or near 6399 N. Rockwell Street, Officer Kenvar Pujoe: 1. Failed to comply with S03-14 by failing to timely activate his body worn camera.	Sustained

Officer Ulises Ocana	<p>It is alleged that on or about July 11, 2021, at approximately 7:12 pm, at or near 6399 N. Rockwell Street, Officer Ulises Ocana:</p> <p>1. Failed to comply with S03-14 by failing to timely activate his body worn camera.</p>	Sustained
----------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 3: Prohibits any failure to promote the Department’s efforts to implement its policy or accomplish its goals.
3. Rule 5: Prohibits the failure to perform any duty.
4. Rule 6: Prohibits disobedience of an order or directive, whether written or oral.
5. Rule 10: Prohibits inattention to duty.

General Orders

1. G03-02: De-Escalation, Response to Resistance, and Use of Force (effective April 15, 2021, to June 27, 2023)
2. G03-06: Firearm Discharge and Officer-Involved Death Incident Response and Investigation (effective February 29, 2020, to present)
3. G03-02-01: Response to Resistance and Force Options (effective April 15, 2021, to June 27, 2023)
4. G02-01: Protection of Human Rights (effective October 5, 2017, to June 29, 2022)

Special Orders

1. S03-14: Body Worn Cameras (effective April 30, 2018, to present)

V. INVESTIGATION²

a. Interviews³

In a **statement to COPA on September 1, 2021, Officer Ulises Ocana⁴** stated that on the date of the incident, he was assigned to the 024th District tactical team (Beat 2462D) and was

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ COPA attempted to contact [REDACTED] via US mail but was met with negative results (att. 61). The CFD Ambulance Report (att. 16) documents that [REDACTED] is homeless.

⁴ Att. 48 (audio) and att. 49 (transcription).

partnered with Officer Austin Morgan.⁵ Officers Ocana and Morgan were driving near the location of the incident when they heard the Office of Emergency Management and Communications (OEMC) dispatch a unit to the location regarding an assault in progress. Officers Ocana and Morgan notified OEMC that they were nearby and would be responding.⁶ When the officers arrived, [REDACTED] was at the southwest corner of Rockwell Street and Devon Avenue.⁷ Officer Ocana stopped the police vehicle at the Northwest corner and Officer Morgan immediately exited. Officer Ocana heard Officer Morgan state, “drop the knife.”⁸ Officer Ocana observed a male near [REDACTED] attempting to get around him. The male made his way around [REDACTED] and crossed the street (northbound) towards Officer Morgan.

Next, Officer Ocana observed Officer Morgan in the middle of the street backpedaling, while giving [REDACTED] commands to drop the knife, and pointing his firearm at [REDACTED] skipped towards Officer Morgan, swinging a large knife at him.⁹ Officer Ocana called OEMC and requested police assistance. Simultaneously, Officer Calderon arrived at the northwest corner. [REDACTED] refused to follow verbal commands to drop the knife. Officer Ocana who had now retrieved his baton and was standing approximately eight feet from Officer Morgan, also began to backpedal in the middle of the street as [REDACTED] began to close the distance on them.¹⁰ [REDACTED] ran past Officer Calderon and between cars on Rockwell Street. Officers Ocana, Morgan, Calderon and Pujoe (Calderon’s partner) began running after [REDACTED]. They were running in circles around the intersection of Rockwell Street and Devon Avenue. At this point Officer Ocana unholstered his firearm.¹¹ Officer Ocana told [REDACTED] to drop the knife and that they were not trying to hurt him, and [REDACTED] stated, “No.”¹² Officer Ocana stated that all the officers attempted to de-escalate the situation with verbal commands and pleading with [REDACTED] to put the knife down, but he refused to cooperate. [REDACTED] began skipping sideways in the intersection.

At that point, Officers Campos and Salas arrived. [REDACTED] was in the middle of the intersection circling around a civilian vehicle that had stopped at the intersection.¹³ Officer Salas was standing near the passenger side of the vehicle. [REDACTED] skipped towards Officer Salas with the knife in his hand and swinging it in her direction. Officer Ocana approximated [REDACTED] at six to eight feet from Officer Salas. [REDACTED] began to close the distance to Officer Salas and at that point, Officer Ocana heard a gunshot. Officer Ocana did not see Officer Salas fire at [REDACTED] because he was focused on [REDACTED].¹⁴ Officer Calderon deployed OC spray at [REDACTED] and [REDACTED] backed away and continued running. Officer Ocana asked his partners if someone had

⁵ COPA did not interview Officer Morgan (witness) because there is sufficient evidence, including Officer Morgan’s BWC footage, to proceed without his statement.

⁶ Officers Ocana and Morgan were the first officers at the location of the incident.

⁷ Officer Ocana knew [REDACTED] was the subject involved in the assault because the OEMC dispatcher provided a description of him. Att. 49, pg. 15, lns. 13 to 24.

⁸ Att. 49, pg. 17, lns. 14 to 15.

⁹ Att. 49, pg. 21, lns. 16 to 19; pg. 22, lns. 9 to 12.

¹⁰ Att. 49, pg. 19, lns. 1 to 9.

¹¹ Att. 49, pg. 28, lns. 3 to 10.

¹² Att. 49, pg. 28, lns. 14 to 18.

¹³ The vehicle was headed eastbound on Devon Avenue.

¹⁴ Officer Ocana was approximately twelve feet to the left of Officer Salas. Att. 49, pg. 35, lns. 15 to 21.

shot, and Officer Salas confirmed that she had fired her weapon. Officer Ocana then reported to OEMC that shots had been fired.¹⁵ Officer Campos tasered ██████████ and the officers took him into custody. Officer Ocana did not observe injuries to ██████████. Officer Morgan recovered ██████████ knife and placed it in one of the squad cars. Officer Ocana requested an ambulance for Officer Salas because she was having difficulty breathing. Furthermore, Officer Ocana acknowledged that he did not activate his body worn camera (BWC) at the start of the incident, as required by the department. Sometime after his arrival at the location of the incident, Officer Ocana realized the camera was off, and he activated it.

In a **statement to COPA on September 2, 2021, Officer Aldo Calderon**¹⁶ stated that on the date of the incident, he was assigned to Beat 2432 with Officer Kenvar Pujoe. They responded to the location of the incident. Upon arrival, Officer Calderon walked southbound on Rockwell Street, and he observed ██████████ with a nine to 12 inch knife in his hand chasing Officer Morgan.¹⁷ Officer Calderon essentially reiterated the same account of the officers' contact with ██████████ prior to the shooting, as Officer Ocana related in his COPA statement. Officer Calderon stated that he deployed OC spray at ██████████ on two separate occasions, but ██████████ continued running with the knife in his hand swinging it from the top of his head all the way down.¹⁸

When asked about the police involved shooting, Officer Calderon stated that he does not recall Officers Salas and Campos at the scene and/or hearing a gunshot.¹⁹ Officer Calderon assumed ██████████ was tasered because he saw him fall to the ground and saw the prongs on his clothing, but he did not see the officer who tasered ██████████. Officer Calderon rode inside the ambulance with ██████████ and guarded him at Swedish Covenant Hospital.

Officer Calderon acknowledged that the Chicago Police Department (CPD) requires officers to activate their BWC when they receive a job assignment from OEMC and/or going to take police action. However, he turned on his camera after his arrival at the location of the incident.

In a **statement to COPA on September 2, 2021, Officer Kenvar Pujoe**²⁰ stated that, Officer Calderon exited the vehicle first and went southbound on Rockwell Street. Officer Pujoe heard Officer Calderon say that someone had a knife. As Officer Pujoe exited the police vehicle, he saw ██████████ headed northbound on Rockwell Street, bouncing around with a large knife in his hand and waving it around up in the air. Officer Pujoe remained at the north end of the intersection controlling traffic. Officer Pujoe heard officers shouting at the intersection, and then he heard a gunshot but did not know who had fired. Officer Pujoe approached the intersection

¹⁵ Officer Ocana did not report shots fired by the police. Att. 49, pg. 40, Ins. 15 to 22. He reported a taser deployment by Officer Campos to ██████████. Att. 49, pg. 41, Ins. 14 to 15.

¹⁶ Att. 51 (audio) and att. 52 (transcription).

¹⁷ Att. 52, pg. 13, Ins. 12 to 14.

¹⁸ Att. 52, pg. 20, Ins. 4 to 6.

¹⁹ Att. 52, pg. 25, Ins. 17 to 23. Officer Calderon stated that at the area, he learned from unidentified detectives that Officer Salas had discharged her firearm during the incident because ██████████ approached her with the knife. Att. 52, pg. 43, Ins. 13 to 20; pg. 44, Ins. 15 to 20.

²⁰ Att. 54 (audio) and att. 55 (transcription)

and walked into a cloud of OC spray.²¹ When Officer Pujoe regained clarity in his eyes, he observed Officers Calderon and Campos handcuffing [REDACTED]. Officer Pujoe went to assist the officers and at that point, he realized that his BWC was not activated, and he immediately activated it.²²

In a statement to COPA on August 5, 2021, Officer Nichole Salas²³ stated that on the date of the incident, she was partnered with Officer Julio Campos. Upon her arrival at the location of the incident, she observed [REDACTED] on the street, at the southwest corner of Rockwell Street and Devon Avenue with a knife in his hand. Officer Calderon was approximately five to six feet in front of [REDACTED] and he appeared to have deployed OC spray at [REDACTED]. Officer Salas stated that [REDACTED] appeared agitated, raised the knife above his head, and was sidestepping and/or jogging around the intersection. Officer Salas was in the middle of the intersection when [REDACTED] quickly began moving towards her while waving the knife around. Officer Salas stated that a vehicle was stopped near her location, and she did not have anywhere to go. She removed her firearm²⁴ and ordered [REDACTED] to, “drop the knife, “stop,” or “back up.”²⁵ However, [REDACTED] continued moving quickly towards Officer Salas with the knife in his hand, arm raised and extended backward. In fear for her life, Officer Salas fired one time at [REDACTED].²⁶ Officer Salas stated that the reason she stopped firing after one shot was because [REDACTED] stopped advancing toward her and because other officers had quickly entered her immediate area and she didn’t want anyone else to get hurt.²⁷ [REDACTED] moved backward and continued jumping/skipping in the street. At the southeast corner of Rockwell Street and Devon Avenue, Officer Calderon tased [REDACTED] and he fell to the ground. The officers quickly took [REDACTED] into custody. Officer Salas approached the officers apprehending [REDACTED] and told them that she was sorry. When asked why she was apologizing, Officer Salas stated that at the time she fired at [REDACTED] the officers were nearby, and she was “freaking out.”²⁸ Officer Salas stated that although [REDACTED] tried to stab her, she did not want to shoot him. Officer Campos responded to her apology and referred to [REDACTED] as a “motherfucker.”²⁹ Officer Salas stated that Officer Campos was mostly likely attempting to comfort her. Officer Salas stated that Officer Campos is normally very professional and his rapport with civilians is respectful.³⁰

According to Officer Salas, she was aware that department required her to immediately report a firearm discharge to OEMC, but she did not report it because Officer Ocana had already made the notification of shots fired to OEMC.³¹ She assumed Officer Ocana’s notification would have satisfied her requirement to notify OEMC of the discharge. Officer Salas further explained

²¹ Officer Pujoe later learned that Officer Calderon deployed OC spray at [REDACTED].

²² Officer Pujoe thought he had turned on his BWC when he arrived at the location of the incident.

²³ Att. 39 (audio) and att. 56 (transcription)

²⁴ [REDACTED] was approximately just over five feet from Officer Salas. Att. 56, pg. 21, ln. 11.

²⁵ Att. 56, pg. 23, lns. 2 to 4.

²⁶ Officer Salas fired a Glock 19. Prior to the date of the incident, Officer Salas last qualified with the firearm on June 3, 2021 (att. 62).

²⁷ Att. 56, pg. 29, lns. 20 to 24; pg. 30, lns. 1 to 4.

²⁸ Att. 56, pg. 60, lns. 1 to 5. Officer Salas was transported to Swedish Covenant Hospital for a panic attack. Att. 17.

²⁹ Att. 56, pg. 61, lns. 5 to 11.

³⁰ Att. 56, pg. 63, lns. 10 to 13.

³¹ Officer Salas does not recall if Officer Ocana reported shots fired by the police. Att. 56, pg. 67, lns 2 to 6.

that she did not want OEMC to think that there were two separate incidents and/or another discharge.³²

Officer Salas also acknowledged the department's rules and regulations, that she is required to activate her BWC at the beginning of an incident and de-activate it when instructed by a supervisor and/or entering a hospital. Officer Salas admitted that she turned on her camera when [REDACTED] was being taken into custody. After the shooting, Officer Salas entered Officer Nicholas Sanchez' vehicle and he instructed her to turn off her camera and she complied. Even though Officer Salas knew that Officer Sanchez was not a supervisor, she still turned off her camera because she thought the request to turn it off, came from a supervisor.

In a **statement to COPA on August 5, 2021, Officer Julio Campos**³³ essentially reiterated the same account of his initial encounter with [REDACTED] as Officer Salas. In addition, Officer Campos observed that [REDACTED] was extremely aggressive, bouncing around with the knife in his hand and raised over his head. Officer Campos followed [REDACTED] and when he had an opportunity to Taser [REDACTED] his Taser would not turn on.³⁴ Officer Campos stated that he was behind [REDACTED] when he observed him run directly towards Officer Salas and then Officer Campos heard a "bang."³⁵ Officer Campos observed that his taser finally came on and he tasered [REDACTED] at the southeast corner of Devon Ave and Rockwell Street. [REDACTED] began resisting, and Officer Campos arced the Taser for a few seconds and [REDACTED] stiffened up. The officers then placed [REDACTED] into custody. Officer Salas approached the officers apprehending [REDACTED] and she apologized. Officer Campos stated that he told Officer Salas, "Don't be sorry, the motherfucker tried to stab you."³⁶ Officer Campos essentially stated that the situation was stressful, and this is not his typical behavior.

Regarding the allegation of failure to timely activate his BWC, Officer Campos acknowledged that he activated his camera when he was taking [REDACTED] into custody. Officer Campos thought he had turned his camera on when he was driving to the location of the incident.

b. Digital Evidence³⁷

COPA obtained and reviewed **Portable Observation Device (POD) #3314W**.³⁸ The POD video captured the incident in its entirety. At 7:13:48 pm, [REDACTED] is at the southwest

³² Att. 56, pg. 42, Ins. 16 to 24, and pg. 43, Ins. 1 to 17.

³³ Att. 41 (audio) and 57 (transcription).

³⁴ Att. 57, pg. 16, Ins. 18 to 21. Officer Ocampo stated that [REDACTED] was saying things in a different language, other than English. Att. 57, pg. 25, Ins. 4 to 11.

³⁵ Att. 57, Pg. 17, Ln. 1. Officer Campos stated that right before he heard the bang, he was standing 15 feet from Officer Salas, and he did see Officer Salas discharge her firearm.

³⁶ Att. 57, Pg. 41, Lns. 6 to 7.

³⁷ COPA obtained and reviewed external video footage from Nepal House Restaurant at 2601 W. Devon Avenue. There are nine cameras on the exterior of the building. Cameras 1-4, 6, 9 captured the incident. The video footage is consistent with the video footage captured in POD 3314W and the BWCs.

COPA also obtained cell phone video from Alex Guezemtsvy (att. 29). The cell phone footage is 1 minute and 49 seconds and contains footage consistent with the POD and BWC videos. Guezemtsvy is identified in the POD video (att. 28) as the male wearing a red jacket and as the 911 caller (att. 14).

³⁸ Att. 28.

corner of Devon Avenue and Rockwell Street pacing back and forth on the sidewalk with his hands in his pockets.³⁹ He is in front of a male wearing a red/orange colored jacket with a baseball cap. The male appears to be on his cell phone.⁴⁰ The male moves away from [REDACTED] and [REDACTED] follows. At 7:20:02 pm, Officer Morgan is at the northwest corner and the man with the red/orange jacket runs past him. Officer Morgan begins to cross the street southbound on Rockwell towards [REDACTED]. At 7:20:09 pm, [REDACTED] removes a knife from the right pocket of his robe. He then proceeds to walk, then run, towards Officer Morgan. Officer Morgan points his firearm at [REDACTED] while retreating backward. Officer Ocana is to the right of Officer Morgan and he too, begins retreating away from [REDACTED].

At 7:20:25 pm, Officer Calderon arrives from the northwest corner, and begins chasing [REDACTED] northbound on Rockwell Street. Officer Pujoe is at the northwest corner with his firearm in his hand. [REDACTED] runs and skips southbound on Rockwell Street, in and out of traffic. Officers Calderon, Pujoe, Morgan and Campos follow behind.⁴¹ [REDACTED] the runs to the middle of the intersection brandishing the knife.

Officers Salas and Campos arrive at the southeast corner, they exit their vehicle, and walk towards [REDACTED] and the other officers.⁴² Officer Campos has a taser in his hand. Officer Calderon discharges OC spray at [REDACTED] and [REDACTED] continues moving.⁴³ At the middle of the intersection, [REDACTED] runs toward Officer Salas and raises the knife above his head. Officer Salas discharges her firearm at [REDACTED].⁴⁴ Seconds later, Officer Campos discharges OC spray again at [REDACTED]. [REDACTED] jumps back and runs southbound on Rockwell Street, while still holding the knife in his right hand. At 7:22:03 pm, Officer Campos discharges his taser at [REDACTED] who then falls to the ground at the southeast corner. The Officers place [REDACTED] into custody. He is escorted to an ambulance at 7:31:34 pm. The officers secure the area with yellow tape.

The **Body Worn Camera (BWC) videos** of the involved officers, captured the incident.⁴⁵ The BWC videos essentially contain the same video footage as in the POD video. The following is a summary description of the audio recordings, as captured in the BWC videos. At 7:20:02 pm,⁴⁶ a white male with a red jacket runs toward Officer Morgan and states that [REDACTED] has a knife. Officer Morgan orders [REDACTED] numerous times to show him his hands and to drop the knife and [REDACTED] replies, "No," several times. [REDACTED] begins running towards Officer Morgan, and Officer Morgan points his firearm at [REDACTED] retreats backwards, while giving [REDACTED] commands to drop the knife.⁴⁷ [REDACTED] continues to reply, "No." The officers order [REDACTED] numerous times to drop the knife but he continues running. At 19:21:18 pm, Officer

³⁹ [REDACTED] is wearing a long grey ankle length robe with long sleeves, also known as a Thawb (an Arab garment).

⁴⁰ Identified later as Alex Guezemtsvy, 911 caller (att. 11, event #2119211349).

⁴¹ Officers Calderon and Ocana are holding their expandable batons (ASP).

⁴² Att. 28, 7:21:36 pm.

⁴³ Att. 28, at 7:21:36 pm.

⁴⁴ Att. 28, 7:21:50 pm.

⁴⁵ Atts. 20-25, BWC videos of Officers Austin Morgan, #9702, Ulises Ocana, Aldo Calderon, Kenvar Pujoe, Nicole Salas, and Julio Campos. All the officers, except Officer Morgan, failed to activate their BWCs in a timely manner. COPA also obtained the BWC videos (atts. 26-27) of Officers Nicolas Sanchez, #16985 and Nicole Pearson, #14728, which captured footage, post-incident.

⁴⁶ Att. 20, BWC of Officer Morgan.

⁴⁷ Att. 20, BWC of Officer Morgan at 7:20:17 pm.

Ocana tells ██████ that no one is trying to hurt him, and that he will put his gun away and requests for ██████ to put the knife down. ██████ replies, “No,” and continues skipping.⁴⁸

At 19:21:48 pm,⁴⁹ Officer Salas removes her firearm from the holster and orders ██████ to back up. ██████ raises the knife and advances towards Officer Salas, and she discharges her firearm one time at ██████. At the same time, Officer Calderon discharges OC spray at ██████. The officers continue giving ██████ verbal commands to drop the knife. At 19:22:01 pm,⁵⁰ Officer Campos deploys his taser at ██████ he falls to the ground, and the officers handcuff him. Officer Morgan quickly picks up the knife from the street curb.⁵¹ Officer Ocana reports to OEMC, “Shots fired, shots fired.”⁵² He also reports, the taser deployment. He then states, “No motherfucker is coming at you with a knife, what the fuck you mean sorry, don’t be sorry.”⁵³ ██████ appears to be bleeding from his left hand and the taser prongs are visible on his back.⁵⁴ ██████ appears to be speaking, but it is indiscernible.⁵⁵

At 7:26:09 pm,⁵⁶ Officer Sanchez gestures with his hand for Officer Salas to follow him. They walk to his police vehicle and Officer Salas enters the back driver’s side. Officer Sanchez asks if her camera is activated, and she confirms that it is on. Officer Sanchez tells Officer Salas to turn off her camera and she complies.

The **Office of Emergency Management and Communications (OEMC) Event Queries,⁵⁷ Zone 11 Radio Transmissions,⁵⁸ and 911 calls⁵⁹** include the following relevant and material communication. At 7:08:09 pm, “Alex” a male caller,⁶⁰ reports that a male Arab, later identified as ██████ is standing at the corner of Devon and Rockwell and is being aggressive. Alex states that ██████ may have a knife in his pocket. Alex described ██████ as a male Arab, wearing a long ankle length grey robe.

At 7:19:27 pm, Beat 2462D (Officers Ocana and Morgan) reports that ██████ is a regular who paces up and down Devon Avenue. Officer Ocana states that they will check it out. At 7:20:24 pm, Officer Ocana requests another car at the scene. He reports that ██████ has a “steak” knife in his hand. At 7:21:36 pm. Officer Ocana reports, “Shots fired, shots fired squad, one round.” Seconds later, he reports a taser discharge and requests a wagon and ambulance to the scene. Officer Ocana reports that ██████ is in custody and that they have the knife. At 7:41

⁴⁸ Att. 20, BWC of Officer Morgan.

⁴⁹ Att. 24, BWC of Officer Salas.

⁵⁰ Att. 20, BWC of Officer Morgan. Southwest corner of Devon Avenue and Rockwell Street.

⁵¹ Officer Morgan later places the knife underneath the passenger seat of Officers Salas and Campos’ vehicle.

⁵² Att. 21, BWC of Officer Ocana, at 7:22:05 pm.

⁵³ Att. 24, BWC of Officer Salas, at 7:24:12 pm.

⁵⁴ Att. 20, at 6:00.

⁵⁵ Att. 20, BWC of Officer Morgan at 7:23:38 pm.

⁵⁶ Att. 24, BWC of Officer Salas.

⁵⁷ Atts. 11-13.

⁵⁸ Att. 15. The POD is at the southwest corner of Devon Avenue and Rockwell Street, in front of Nepal House Restaurant.

⁵⁹ Att. 14.

⁶⁰ Captured on the POD video (att. 28). Alex Guezemtsy is the male wearing the red jacket.

pm, Beat 2433, assigned to Officer Calderon, informs dispatch that he is going to St. Francis Hospital with A13.

c. Physical Evidence

The **Chicago Fire Department (CFD) Ambulance Report**⁶¹ documents that ██████ has a medical history of bipolar disorder. The paramedics observed ██████ muttering to himself, rocking back and forth, and unwilling to answer questions. ██████ had a half centimeter laceration to his left thumb and a taser barb in the center of his back. He was transported to Saint Francis Hospital for medical care.⁶²

Crime Scene Processing Report, Inventory Sheets, and Evidence Technician (ET) Photographs⁶³ document the recovery of evidence collected, inventoried, and photographed relative to the incident. The ETs recovered Officer Salas' Glock 19, Model Gen 4, 9mm semi-automatic black pistol, serial #YHB763 and the fired cartridge case.⁶⁴ Also recovered was the knife ██████ had in his possession during the incident.⁶⁵ The ET photographs depict the scene from various angles, the recovered evidence, and photographs of Officer Salas and ██████

Illinois State Police (ISP) Forensic Science Laboratory Report-Firearm/Toolmarks⁶⁶ documents the examination of the recovered firearms evidence. An examination of Officer Salas' Glock 19 pistol determined the weapon was operable as received, and it was test fired using laboratory ammunition. One Winchester 9mm Luger + P fired cartridge case was identified as having been fired from Officer Salas' weapon.⁶⁷

d. Documentary Evidence

The **Chicago Police Department Reports**⁶⁸ essentially reiterate the same information, as depicted in the BWCs of the officers, POD video, and the related OEMC transmissions.

The **Tactical Repose Reports (TRR) of Officer Nichole Salas, Julio Campos, Aldo Calderon, Kenvar Pujoe, Austin Morgan and Ulises Ocana**⁶⁹ document that during the incident, ██████ did not follow verbal directions, he posed an imminent threat of battery with a weapon, used force likely to cause death or great bodily harm, and displayed a knife. Officers

⁶¹ Att. 16.

⁶² COPA attempted to obtain the medical records from St. Francis Hospital, but the attempt was unsuccessful (att. 46).

⁶³ Atts. 18, 43, 58.

⁶⁴ Att. 18, Inventory #14942564 (weapon). The firearm contained 1 live round in the chamber and 14 rounds in the magazine. Capacity of the firearm is 16 total rounds. The fired cartridge was marked as crime scene marker (CSM) #1, (Inventory #14942577) recovered from the street at 2601 W. Devon Avenue.

⁶⁵ Att. 18, Inventory #14942581. The knife had a black handle and a 7-inch metal blade. It was recovered from under the front passenger seat of an unmarked police vehicle (POs Salas and Campos).

⁶⁶ Att. 60.

⁶⁷ The ISP Report confirmed Officer Salas' firearm (serial no. YHB763) had 15 live rounds (1-chamber/14-magazine).

⁶⁸ Atts. 2 to 4, Arrest Report of ██████ and Case Incident Reports.

⁶⁹ Att. 5 to 10.

Salas, Campos, and Calderon responded with member presence, verbal direction, tactical positioning, and/or movements to avoid attack. In addition, Officer Salas responded by discharging her firearm one time at [REDACTED] Officer Calderon used OC spray and handcuffs/physical restraints, and Officer Campos used his taser and handcuffs/physical restraints.

e. Additional Evidence

The **Synoptic Report**⁷⁰ for Officer Salas contains the results of her drug and alcohol testing following the incident. The results revealed that Officer Salas had a Br.A.C.⁷¹ of .000 and her urine test results were negative.

VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed complied with Department policy. See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has been found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

⁷⁰ Att. 59.

⁷¹ Breath Alcohol Content.

VII. ANALYSIS AND CONCLUSIONS

a. Officers Salas was justified when she used deadly force.

COPA finds by a preponderance of the evidence that the use of deadly force by Officer Salas was objectively reasonable, necessary, and proportional to the circumstances she faced. COPA further finds that Officer Salas engaged in de-escalation tactics as required by CPD policy prior to using deadly force. Specifically, Officer Salas communicated extensively with [REDACTED] and attempted to stabilize the situation by using time, distance, and tactical positioning. COPA further finds that Officer Salas used deadly force as an option of last resort. COPA thus concludes by a preponderance of the evidence that Officer Salas's use of deadly force complied with CPD policy.

CPD's stated highest priority is the sanctity of human life. In all aspects of their conduct, CPD expects that its members act with the foremost regard for the preservation of human life and the safety of all persons involved.⁷² CPD members are only authorized to use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, to ensure the safety of a member or a third person, stop an attack, make an arrest, control a subject, or prevent escape.⁷³ This means that CPD members may use only the amount of force necessary to serve a lawful purpose. The amount and type of force used must be proportional to the threat, actions, and level of resistance a person offers.⁷⁴

The use of deadly force is permitted only as a "last resort" when "necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person."⁷⁵ A CPD member may use deadly force in only two situations: (1) to prevent "death or great bodily harm from an imminent threat posed to the sworn member or to another person;" or (2) to prevent "an arrest from being defeated by resistance or escape, where the person to be arrested poses an imminent threat of death or great bodily harm to a sworn member or another person unless arrested without delay."⁷⁶

A threat is considered imminent "when it is objectively reasonable to believe that: (a) the person's actions are immediately likely to cause death or great bodily harm to the member or others unless action is taken; **and** (b) the person has the means or instruments to cause death or great bodily harm; **and** (c) the person has the opportunity and ability to cause death or great bodily harm."⁷⁷ Officers are expected to modify the use of force as circumstances change and in ways that are consistent with officer safety, including stopping the use of force when it is no longer necessary.⁷⁸

⁷² Att. 69, G03-02 (II)(A), De-escalation, Response to Resistance, and Uses of Force (effective April 15, 2021 to June 27, 2023).

⁷³ Att. 69, G03-02 (III)(B)

⁷⁴ Att. 69, G03-02 (III)(B)(3).

⁷⁵ Att. 69, G03-02(IV)(C).

⁷⁶ Att. 69, G03-02(IV)(C)(1,2).

⁷⁷ Att. 69, G03-02(IV)(B) (emphasis added).

⁷⁸ Att. 69, G03-02(III)(C)(2).

Based on the review of the evidence, COPA finds that it is more likely than not that Officer Salas's use of deadly force was objectively reasonable in light of the imminent threat she faced. Officer Salas reported that she had fired her weapon only after ██████ refused to drop the large knife he was holding while he continued advancing towards the officers. Officers verbally instructed ██████ to drop the knife, surrounded him and used their presence to de-escalate, and even opted for OC spray to gain cooperation. Unfortunately, ██████ disregarded all of the officers' attempts to de-escalate and continued advancing with a knife in his hand. It was thus objectively reasonable for Officer Salas to believe that ██████ actions were immediately likely to cause death or great bodily harm.⁷⁹ Additionally, COPA finds by a preponderance of the evidence that ██████ had the means or instruments and the opportunity and ability to cause death or great bodily harm. As a result, COPA finds Officer Salas's use of deadly force was within CPD policy and thus justified.

b. Officers failed to timely activate their body worn cameras.

The recording of law-enforcement-related encounters is mandatory.⁸⁰ Officers must activate their BWCs at the beginning of an incident and record the entire incident for all law enforcement-related activities. If there are circumstances preventing the activation of the BWC at the beginning of an incident, the officer "will activate the BWC as soon as practical."⁸¹ Officer will not deactivate their BWCs until the entire incident has been recorded and the member is no longer engaged in a law enforcement-related activity or until the highest-ranking on-scene Bureau of Patrol supervisor has determined that the scene is secured in circumstances involving an officer-involved death investigation, firearm discharge, or any other use of force incident.⁸²

COPA finds **Allegation #1**, that Officer Salas failed to timely activate and/or improperly deactivate her body worn camera is **Sustained**. Officer Salas failed to comply with Special Order S03-14 by failing to timely activate her body worn camera and prematurely de-activating it. In this case, Officer Salas had ample opportunity to activate her BWC when she was enroute to the location of the incident. Officer Salas acknowledged the department's rules and regulations, that she is required to activate her BWC at the beginning of an incident and de-activate it when instructed by a supervisor and/or entering a hospital. By her own admission, Officer Salas stated that she turned on her camera when ██████ was being taken into custody. After the shooting, Officer Salas entered Officer Nicholas Sanchez's vehicle and he instructed her to turn off her camera and she complied. Even though Officer Salas knew that Officer Sanchez was not a supervisor.

COPA also finds **Allegation #1**, that Officers Julio Campos, Aldo Calderon, Kenvar Pujoe, and Ulises Ocana, failed to timely activate their body worn cameras is **Sustained**. The officers all acknowledged that they did not activate their BWC at the start of the incident, as required by the department. The officers thought they had activated their cameras while enroute

⁷⁹ By his actions, ██████ met the definition of an "assailant" under CPD policy. See G03-02-01(IV)(C), Response to Resistance and Force Options (effective April 15, 2021 to June 28, 2023).

⁸⁰ Att. 37, Special Order S03-14(III)(A)(1) (Eff. April 30, 2018).

⁸¹ Att. 37, Special Order S03-14(III)(A)(2).

⁸² Att. 37, Special Order S03-14(III)(B)(1).

to the location of the incident but upon arrival at the location of the incident, they realized the camera was off at which point, they activated it.

c. Officer Salas failed to immediately notify OEMC of her firearm discharge

COPA finds **Allegation #2**, that Officer Salas failed to timely and/or accurately notify OEMC of her firearm discharge, is **Sustained**. Department policy requires that “the involved member(s) will immediately notify OEMC providing all relevant information and requesting additional resources” for all firearm discharges.⁸³ In this case Officer Salas failed to immediately notify OEMC of shots fired by the police. Officer Salas acknowledged that Department policy requires immediate notification, but she did not make the notification to OEMC because she thought that Officer Ocana’s notification to OEMC of the shot fired, fulfilled her requirement to notify OEMC. Unfortunately, Officer Ocana’s notification that shots had been fired was insufficient relevant information to ensure that all relevant parties have been notified. There are different notification requirements for an officer-involved shooting, than there are for a shooting by an offender.

d. Officer Campos verbally abused [REDACTED]

COPA finds **Allegation #2**, that Officer Campos referred to [REDACTED] as a “Motherfucker,” is **Sustained**. CPD policy requires officers to act, speak, and conduct themselves in a courteous, respectful, and professional manner, recognizing their obligation to safeguard life and property, and maintain a courteous, professional attitude.⁸⁴ In this case, Officer Campos failed to conduct himself in a respectful and professional manner. By his own admission Officer Campos admitted to referring to [REDACTED] as a motherfucker. He explained that this is not typical behavior of his and that the situation was very stressful. Understandably, an officer involved shooting can be very stressful, but officers must maintain composure and treat members of the public with respect.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Nichole Salas⁸⁵

i. Complimentary and Disciplinary History

Officer Salas has received 42 awards and one reprimand in 2020 for a preventable accident.

ii. Recommended Penalty, by Allegation

⁸³ Att. 36, G03-06(V)(A), Firearm Discharge and Officer-Involved Death Incident Response and Investigation Order (effective April 15, 2021).

⁸⁴ Att. 68, G02-01(III)(B), Protection of Human Rights (effective October 05, 2017).

⁸⁵ Att. 66.

COPA has considered Officer Salas' complimentary and disciplinary histories. Officer Salas failed to activate her BWC in a timely manner and failed to properly notify OEMC of a weapons discharge. COPA recommends a Written Reprimand.

b. Officer Julio Campos⁸⁶

i. Complimentary and Disciplinary History

Officer Campos has received 49 awards and has no disciplinary history.

ii. Recommended Penalty, by Allegation

COPA has considered Officer Campos' complimentary and disciplinary histories. Officer Campos failed to activate his BWC in a timely manner and referred to [REDACTED] as a "motherfucker." COPA has considered that this language was used under heightened circumstances and in an apparent attempt to console Officer Salas. However, this is still in violation of Department policy. COPA recommends a Written Reprimand.

c. Officer Aldo Calderon⁸⁷

i. Complimentary and Disciplinary History

Officer Calderon has received 49 awards and has no disciplinary history.

ii. Recommended Penalty, by Allegation

COPA has considered Officer Calderon's complimentary and disciplinary histories. Officer Campos failed to activate his BWC in a timely manner. COPA recommends a Violation Noted.

d. Officer Kenvar Pujoe⁸⁸

i. Complimentary and Disciplinary History

Officer Pujoe has received 48 awards and has no disciplinary history.

ii. Recommended Penalty, by Allegation

COPA has considered Officer Pujoe's complimentary and disciplinary histories. Officer Campos failed to activate his BWC in a timely manner. COPA recommends a Violation Noted.

e. Officer Ulises Ocana⁸⁹

⁸⁶ Att. 64.

⁸⁷ Att. 63.

⁸⁸ Att. 65.

i. Complimentary and Disciplinary History

Officer Ocana has received 24 awards and has no disciplinary history.

ii. Recommended Penalty, by Allegation

COPA has considered Officer Ocana’s complimentary and disciplinary histories. Officer Campos failed to activate his BWC in a timely manner. COPA recommends a Violation Noted.

Approved:

[Redacted Signature]

Sharday Jackson
Deputy Chief Administrator – Chief Investigator

December 28, 2023

Date

[Redacted Signature]

Andrea Kersten
Chief Administrator

December 28, 2023

Date

⁸⁹ Att. 67.